

IV. Remarks/Arguments

This preliminary amendment is submitted in the above divisional application for the purpose of presenting claims to the non-elected method claims in the above parent application. Inasmuch as new independent claims 41 and 48 are allowable for the reasons indicated below, it is requested that all claims now presented be permitted to issue.

The Ide patent (U.S. No. 5,425,584), which was cited and applied to the claims in the above parent application, is not applicable to new independent claim 41 for the following reasons.

New claim 41 recites surrounding a rotor with a cage member surrounding the rotor; surrounding the cage member with a housing member surrounding the cage member; and forming at least one axially-extending groove in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

The PTO provides in MPEP §2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 41, to sustain this rejection the Ide patent must contain all of the above claimed elements of the claim. However, this patent does not disclose the steps of surrounding a rotor with a cage member surrounding the rotor; surrounding the cage member with a housing member surrounding the cage member; and forming at least one axially-extending groove in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

It thus follows that the previous rejection in the parent application based on 35 U.S.C. §102(b) cannot be not supported by the Ide reference as applied to new claim 41.

It is also submitted that the Ide patent is not applicable to new independent claim 48 for the following reasons.

New claim 48 recites surrounding a rotor with a cage member; surrounding the cage member with a housing member; forming at least one axially-extending groove in the cage member to form a cantilevered portion extending between the groove and the corresponding surface of the housing member; and forming at least one axially-extending groove in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

As stated above, the PTO provides in MPEP §2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 48, to sustain this rejection the Ide patent must contain all of the above claimed elements of the claim. However, this patent does not disclose a method consisting of a cage member surrounding the rotor; a housing member surrounding the cage member; at least one axially-extending groove formed in the cage member to form a cantilevered portion extending between the groove and the corresponding surface of the housing member; and at least one axially-extending groove formed in the housing member to form a cantilevered portion extending between the groove and the corresponding surface of the cage member.

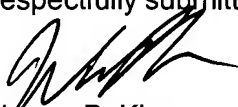
It thus follows that the previous rejection in the parent application based on 35 U.S.C. §102(b) cannot be not supported by the Ide reference as applied to new claim 48.

Dependent claims 42-47 and claims 49-55 further limit independent claims 41 and 48, respectively in a patentable sense and, for the reasons indicated above, are also deemed to be in condition for allowance.

Should the Examiner have any questions or comments regarding the amendment, the Examiner is invited to telephone the undersigned at the number listed below.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the papers submitted herewith or to credit any overpayment to Deposit Account No. 08-1394.

Respectfully submitted,

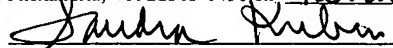

Warren B. Kice
Registration No. 22,732

Dated: 2/5/04
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75212-3789
Telephone: 214/651-5634
IP Facsimile No. 214/200-0853
File: 26333.958
d.1206980.1

CERTIFICATE OF EXPRESS MAIL

Express Mail No.: EV 333439115US

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an express mail envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Patent Application, Alexandria, VA 22313-1450, on February 5, 2004



Signature of person mailing paper

SANDRA KUBIN

Typed Name of person mailing paper